

RESOLUTION NO. 04-031

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 50, MAIN 2, SANITARY SEWER #22, (SOUTH OF PAWNEE, WEST OF SENECA) 468-83754**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 50, MAIN 2, SANITARY SEWER #22, (SOUTH OF PAWNEE, WEST OF SENECA) 468-83754**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 50, Main 2, Sanitary Sewer #22, (south of Pawnee, west of Seneca) 468-83754**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Thirty-five Thousand One Hundred Dollars (\$35,100)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 22, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TRACT A

A tract of land located in the NE 1/4, of Section 6, Township 28 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas being more particularly described as follows: Commencing at the East Northeast corner of Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas; Thence south along the east line of said Lot 1 for a distance of 699.15 feet to a Point of Beginning; Thence continuing south along the east line of said Lot 1 for a distance of 145.00 feet; Thence west at right angles to east line of said Lot 1 for a distance of 115.00 feet; Thence north parallel with the east line of said Lot 1 for a distance of 145.00 feet; Thence east at right angles to east line of said Lot 1 for a distance of 115.00 feet to the Point of Beginning, AND

TRACT B

Commencing at the East Northeast corner of Lot 1, Block 1, Westway Addition, Wichita, Sedgwick County, Kansas; Thence south along the east line of said Lot 1 of a assumed bearing of S0°00'00"E for a distance of 844.15 feet to a Point of Beginning; Thence continuing south along the east line of said Lot 1 for a distance of 15.90 feet; Thence

S3°56'50"E for a distance of 145.26 feet; Thence S0°00'00"E along the east line of said Lot 1 for a distance of 14.13 feet; Thence west at right angles to the east line of said Lot 1 for a distance of 124.84 feet; Thence North parallel with the east line of said Lot 1 for a distance of 175.00 feet to a point lying 844.15 feet south and 115.00 west of the East Northeast corner of said Lot 1; Thence east at right angles to east line of said Lot 1 for a distance of 115.00 feet to the Point of Beginning.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Tract A shall pay 50/100 of the total cost of the improvements.

Tract B shall pay 50/100 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, January 13, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)